

REMARKS

## I. INTRODUCTION

In response to the Office Action dated December 14, 2004, which was made final, claims 1, 4, 12, and 23 have been amended. Claims 1-26 remain in the application. Entry of these amendments, and re-consideration of the application, as amended, are respectfully requested.

## II. ART-BASED REJECTIONS

In paragraphs 2-3 of the Office Action, Claims 1-26 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kelly et al., USPN 6,650,869. The Applicant traverses the rejection in light of the amendments above and the arguments presented below.

The Kelly Reference

The Kelly reference discloses a system for managing return channel bandwidth in a two-way satellite communication network is disclosed. A plurality of transceivers are configured to transmit backlog information over a return channel via a satellite. The backlog information specifies an amount of queued traffic for the respective transceivers. A hub is configured to receive the backlog information and to allocate a predetermined amount of return channel bandwidth to each of the plurality of transceivers. The hub determines whether additional return channel bandwidth is available to accommodate a remaining backlog such that a bandwidth allocation amount is set to a level associated with one of the plurality of transceivers having the largest backlog. The hub selectively identifies a transceiver among the plurality of transceivers having a next largest backlog based upon the determined available return channel bandwidth. The hub selectively adjusts the bandwidth allocation amount to a level associated with the transceiver with the next largest backlog. The hub allocates the additional return channel bandwidth to the plurality of transceivers based upon the adjusted bandwidth allocation amount if the adjusted bandwidth allocation amount reduces at least a portion of the backlog of the plurality of transceivers.

The Claims are Patentable over the Cited Reference

The claims of the present invention describe methods and apparatuses for providing digital data to a data reception device. A method in accordance with the present invention comprises operating the data reception device in a wireless communication network comprising a plurality of terrestrial receivers and terrestrial transmitters, each serving a service region, receiving at least a portion of the digital data in a satellite receiver via a satellite communication system, providing the received portion of the digital data to at least one of the terrestrial transmitters, and transmitting the received portion of the digital data to the data reception device within the service region using the terrestrial transmitter while transmitting a remainder of the digital data via the wireless communication network.

The cited reference does not teach nor suggest the limitations of the claims of the present invention. Specifically, the cited reference does not teach nor suggest at least the limitation of transmitting the received portion of the digital data to the data reception device within the service region using the terrestrial transmitter while transmitting a remainder of the digital data via the wireless communication network as recited in the claims of the present invention.

The Kelly reference merely describes a two-way satellite-based communications system. There is no teaching in Kelly to transmit part of the data using the satellite system while transmitting a remainder of the data in a wireless communication network. Specifically, Kelly does not disclose a separate wireless network other than the satellite based system comprising network operations center 113, satellite 107, and antenna 111, and, therefore, cannot deliver data via a wireless network other than the satellite-based system shown in FIG. 1 of Kelly. Even if the transmission units 109a and 109b are considered to be delivering data to device 101, this data emanates from the satellite system through antenna 111, and must be the same data delivered by the satellite system. It cannot be "a remainder," or a part of the data other than "a portion of the data" as recited in the claims.

As such, independent claims 1, 12, and 23 are patentable over the cited reference.

Dependent claims 2-11, 13-22, and 24-26 are also patentable over the cited reference, not only because dependent claims 2-11, 13-22, and 24-36 contain all of the limitations of the independent claims, but because dependent claims 2-11, 13-22, and 24-36 also contain additional novel features and limitations not found in the cited reference.

## III. CONCLUSION


In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Respectfully submitted,

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